

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:	)	Chapter 11
	)	Case No. 24-43233
)	
URBAN CHESTNUT BREWING)	
COMPANY, INC.	)	Hon. Brian C. Walsh
	)	U.S. Bankruptcy Judge
Debtor.)	
	)	Hearing Date: January 15, 2025
	)	Hearing Time: 10 a.m.
	)	Hearing Location: Eagleton United States
	)	Courthouse
JERRY L. JENSEN,	)	111 S. 10 th Street
Acting United States Trustee,	)	Courtroom 5 North
	)	St. Louis, MO 63102
Movant,)	
)	
v.	)	Response Due: January 8, 2025
)	
URBAN CHESTNUT BREWING)	
COMPANY, INC.)	
)	
Respondent.)	

**UNITED STATES TRUSTEE’S MOTION TO DISMISS OR CONVERT CASE TO
CHAPTER 7**

Jerry L. Jensen, Acting United States Trustee for the Eastern District of Missouri (“the U.S. Trustee”), by the undersigned Trial Attorney, respectfully requests that this Court enter an order dismissing this case or converting it to a liquidation case under Chapter 7 pursuant to 11 U.S.C. § 1112(b).

1. On September 6, 2024 (the Petition Date), Urban Chestnut Brewing Company, Inc. (the “Debtor”) filed a voluntary petition for relief under Chapter 11 of the Bankruptcy Code.

2. Since filing this case, the Debtor has not filed Monthly Operating Reports (MORs) or provided statements for the Debtor’s bank accounts.

3. 11 U.S.C. § 1112(b) provides that upon request of a party in interest and after notice and a hearing, the Court, for cause, shall dismiss a case, convert it to a case under Chapter 7, or appoint a trustee under § 1104(a), whichever is in the best interests of creditors and the estate.

4. Section 1112(b)(4) provides examples of “cause” to convert or dismiss, including but not limited to:

(F) unexcused failure to satisfy timely any filing or reporting requirement established by [Title 11] or by any rule applicable in a case under [Chapter 11]; and

(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any);

5. Section 1112(b)(4)’s examples of cause are not exclusive. *Matter of Berryhill*, 189 B.R. 463, 465 (N.D. Ind. 1995) (citing *In re Gonic Realty Trust*, 909 F.2d 624, 626–27 (1st Cir. 1990)).

6. 11 U.S.C. § 704(a)(8), which is made applicable to Chapter 11 debtors-in-possession by 11 U.S.C. §§ 1106(a)(1) and 1107(a), requires debtors-in-possession to file with the Court, the United States Trustee, and any governmental unit charged with responsibility for collection or determination of any tax arising out of the operation of the debtor’s business, “periodic reports and summaries of the operation of such business, including a statement of receipts and disbursements, and such other information as the United States Trustee or the court requires.”

7. MORs and the information they contain are the “life-blood of the Chapter 11 process” and are more than “mere busy work.” *In re Berryhill*, 127 B.R. 427, 433 (Bankr. N.D. Ind. 1991).

Without these reports, the UST and creditors cannot determine when a debtor is incurring additional losses, is rendered administratively insolvent, or is transferring assets without authorization. The reporting requirements provide the primary

means for monitoring the debtor's compliance with the Code's requirements and they serve as a litmus test for a debtor's ability to reorganize. Thus, non-compliance is not a mere technicality.

In re Whetten, 473 B.R. 380, 383–84 (Bankr. D. Colo. 2012) (internal citations omitted).

8. The MORs and their accompanying bank statements for September and October were due on October 21 and November 21 respectively. The MOR for November will be due on December 21, 2024.

9. The Debtor proposes to resolve this case via an expedited sale/auction procedure with a hearing on the Debtor's Motion to Sell on January 27, 2025. *See* Doc. 70.

10. The Debtor's requests to use cash collateral (Doc. 13) and obtain DIP financing (Doc. 100) are scheduled for hearing on January 15, 2025.

11. Creditors, this office, and the Court are put at a disadvantage in evaluating the aforementioned motions and overall administration of the bankruptcy estate without the completed and filed reports.

12. Despite requesting various relief from the Court and enjoying the protections of bankruptcy, the Debtor has refused to provide basic, required information about its operations.

13. The Debtor's failure to file MORs or provide statements for its bank accounts constitutes cause to dismiss or convert this case under 11 U.S.C. §§ 1112(b)(4)(F) and (H).

WHEREFORE, for the reasons set forth above, the U.S. Trustee respectfully requests that the Court dismiss this case or convert it to one under Chapter 7, whichever is in the best interests of creditors and the estate.

Respectfully submitted,

JERRY L. JENSEN
Acting United States Trustee

PAUL A. RANDOLPH
Assistant United States Trustee

/s/ Joseph Schlotzhauer
JOSEPH SCHLOTZHAUER
E.D. Mo #62138MO, MO #62138
United States Department of Justice
Office of the U.S. Trustee
111 South 10th Street, Suite 6.353
St. Louis, MO 63102
(314) 539-2980 (Phone)
(314) 539-2990 (Fax)
Email: joseph.schlotzhauer@usdoj.gov

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on December 17, 2024, with the United States Bankruptcy Court and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to the parties listed on the attached Master Mailing List and to the parties listed below on December 17, 2024:

Urban Chestnut Brewing Company Inc.
4465 Manchester Ave.
St. Louis, MO 63110
Debtor

Spencer P. Desai
The Desai Law Firm, LLC
13321 North Outer Forty Road, Suite 300
St. Louis, MO 63017
Phone: 314-666-9781
Counsel for Debtor

/s/Kathy Lickenbrock
Paralegal Specialist

Label Matrix for local noticing 0865-4 Case 24-43233 Eastern District of Missouri St. Louis Tue Dec 17 11:25:22 CST 2024	4465 Manchester, LLC 3101 Arsenal St St. Louis, MO 63118 United States 63118-2125	AmTrust North America, Inc. on behalf of AmT c/o Maurice Wutscher LLP 23611 Chagrin Blvd. Suite 207 Beachwood, OH 44122-5540
Kelley Acree, LLC 3207 Washington Ave St. Louis, MO 63103 United States 63103-1218	Midland States Bank 1201 Network Centre Dr Effingham, IL 62401-4677	St. Louis Development Corporation 1520 Market St #2000 St. Louis, MO 63103-2630
The St. Louis Zoo c/o Brian W. Hockett, Esq. Thompson Coburn LLP One US Bank Plaza St. Louis, MO 63101-1693	Urban Chestnut Brewing Company Inc. 4465 Manchester Ave. St. Louis, MO 63110-2113	111 South Tenth Street Fourth Floor St. Louis, MO 63102-1125
AMEX TRS Co., Inc. c/o Becket and Lee LLP PO Box 3001 Malvern PA 19355-0701	ASCAP 21678 Network Place Chicago, IL 60673-1216	Always Green Recycling 11440 Dorsett Rd Maryland Heights, MO 63043-3414
AmTrust North America 800 Superior Avenue East 21st Floor Cleveland, OH 44114-2601	Ameren Missouri Bankruptcy Desk MC 310 P O Box 66881 St Louis Mo 63166-6881	American Canning LLC 8001 Industry Way Austin, TX 78744-1175
American Express National Bank c/o Becket and Lee LLP PO Box 3001 Malvern PA 19355-0701	Anders 800 Market Street Suite 500 Saint Louis, MO 63101-2298	AssureHire 2206 Plaza Drive Suite 100 Rocklin, CA 95765-4417
Atlas Labels & Packaging 3107 Merriam Lane Kansas City, KS 66106-4615	Berlin Packaging 525 West Monroe St 14th Floor Chicago, IL 60661-3648	Berlin Packaging L.L.C. c/o Thomas R. Fawkes Tucker Ellis LLP 233 S. Wacker Dr., Suite 6950 Chicago, IL 60606-6395
Bertarelli Paper Company 1927 Marconi Ave Saint Louis, MO 63110-3037	BevPak 2283 Whitby Road Chesterfield, MO 63017-7348	Boelter PO BOX 734296 Chicago, IL 60673-4296
Bono Burns Distributing, Inc. 3616 South Big Bend Saint Louis, MO 63143-4092	Boxes Inc. 111 Boulder Industrial Dr. Bridgeton, MO 63044-1241	Braukon Breakthru Beverage PO Box 959881 Saint Louis, MO 63195-9881
Brenntag Mid-South 1405 HWY 136 W Henderson, KY 42420-9662	Briess Malting Company P.O. Box 88679 Milwaukee, WI 53288-8679	Buttonwood Farm 65092 Pilot Grove Rd. California, MO 65018-4502

Carrollton Bank
11710 Manchester Road
Saint Louis, MO 63131-4614

Cee Ray Supply
P.O. Box 840015
Kansas City, MO 64184-0015

ChemAqua
23261 Network Place
Chicago, IL 60673-1232

ChemStation
2817 Hereford Street
Saint Louis, MO 63139-1023

Cintas First Aid and Safety Service
P.O. Box 88005
Chicago, IL 60680-1005

Clean the Uniform Co
316 South 7th street
Saint Louis, MO 63104

Companion
2331 Schuetz Rd
Saint Louis, MO 63146-3411

Creation Gardens
2055 Nelson Miller Parkway
Louisville, KY 40223-2185

DTI, Inc.
1619 Headland Drive
Fenton, MO 63026-2836

David Luetkemeyer
1550 S Kingshighway
Saint Louis, MO 63110-2228

David Wolfe
4465 Manchester Ave.
Saint Louis, MO 63110-2113

EMCO Refrigeration
10200 Page Industrial Blvd.
Saint Louis, MO 63132-1314

Eat Here STL
3966 Arsenal St.
Saint Louis, MO 63116-3902

Euler Hermes N.A - Agent for WILD LEAF HOLDI
100 International dr 22nd floor
Baltimore, MD 21202-4783

Excel Bottling
488 S Broadway
Breeese, IL 62230-1805

Farmstead Foods
16182 Mount Zion Road
Benton, IL 62812-4706

Ferguson Facilities Supply
PO Box 802817
Chicago, IL 60680-2817

Florian Kuplent
4465 Manchester Ave.
Saint Louis, MO 63110-2113

Florian Seitz
Nietenhausen 28
Wolnzach Bavaria 85283
DE

Ford Hotel Supply Co., Inc.
2204 North Broadway
Saint Louis, MO 63102-1404

Fox River Dairy
3843 Garfield Avenue
Saint Louis, MO 63113-3603

G & W Meat
4828 PARKER AVENUE
Saint Louis, MO 63116-2098

Gillian Kuplent
4465 Manchester Ave.
Saint Louis, MO 63110-2113

Grand Center Inc
3526 WASHINGTON AVE # 2
Saint Louis, MO 63103-1001

Gregg J. Stratman
U.S. Small Business Administration
10675 Bedford Ave., Suite 100
Omaha, NE 68134-3605

H&H Health Associates
3660 South Geyer Rd.
Suite 100
Saint Louis, MO 63127-1223

Happy Apple Company
527 Commercial Drive
Union, MO 63084-3006

Harris Technologies
1099 Milwaukee St.
Suite 200
Saint Louis, MO 63122-7360

Heartland Industries, Inc.
9727 Green Park Industrial Dr.
Saint Louis, MO 63123-7241

Hubbard Radio St. Louis
P.O. Box 959270
Saint Louis, MO 63195-9270

ImperialDade
PO Box 27305
New York, NY 10087-7305

Innovation Mechanical
1203 Old Smelter Rd.
Union, MO 63084-3225

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

JPMorgan Chase Bank, N.A.
s/b/m/t Chase Bank USA, N.A.
c/o National Bankruptcy Services, LLC
P.O. Box 9013
Addison, Texas 75001-9013

James W Byrne
3 Highland Place
Saint Louis, MO 63122-3224

Johnson Controls Security Solutions
PO Box 371967
Pittsburgh, PA 15250-7967

Jonathan Shine
4465 Manchester Ave.
Saint Louis, MO 63110-2113

Joseph B Basralian & Daniele V Basralian
24 Fairfax Terrace
Chatham, NJ 07928-2004

Kaeser Compressor
511 Sigma Drive
P.O. Box 946
Fredericksburg, VA 22404-0946

Keith J Starr & Jennifer B Starr
1715 Sulgrave Road
Louisville, KY 40205-1643

Kelley Acree, LLC
600 Washington Ave Ste 1500
Saint Louis, MO 63101-1313

Kelley-Acree Chameleon
3207 Washington Ave
Saint Louis, MO 63103-1218

Kern Meat Co.
2225 Cherokee St.
Saint Louis, MO 63118-3226

Kuna Food
704 Kuna Industrial Drive
Dupo, IL 62239-1823

Kurt Bishop Klebe & Brooke Cheley Klebe
2161 S Columbine St.,
Denver, CO 80210-4813

L. Shine Investments
388 Terracina Way,
Naples, FL 34119-1813

Landsberg
25794 Network Place
Chicago, IL 60673-1257

Lashly & Baer, P.C.
714 Locust Street
Saint Louis, MO 63101-1603

Lester Nydegger
6842 China Lake Dr
Saint Louis, MO 63129-5453

Lester Nydegger
c/o Scott Moore
Lewis Rice
600 Washington Ave, 25FL
Saint Louis, MO 63101-1361

Lincoln Financial Group
P.O. Box 7247-0477
Philadelphia, PA 19170-0001

MASSACHUSETTS DEPARTMENT OF REVENUE
PO BOX 7090
BOSTON, MA 02204-7090

Macklind Business District
5405 Finkman St
Saint Louis, MO 63109-3540

(p)METROPOLITAN ST LOUIS SEWER DISTRICT
2350 MARKET STREET
ST LOUIS MO 63103-2555

Mid-America Packaging
4800 Miami Street
Saint Louis, MO 63116-1710

Midland States Bank
9877 Manchester Road
Saint Louis, MO 63119-1244

Missouri Beer Wholesalers Association
2305 Expressview Dr.
Jefferson City, MO 65101-3873

Missouri Department of Revenue
Bankruptcy Unit
P.O. Box 475
301 W. High Street
Jefferson City, MO 65105-4750

OEC Group
555 Pierce Rd
Itasca, IL 60143-2628

Office of US Trustee
111 S Tenth St, Ste 6.353
St. Louis, MO 63102-1127

Ozark Forest
4112 West Pine Boulevard
Saint Louis, MO 63108-2802

Premium Mechanical and Automation
3185 North High Street
Perryville, MO 63775

Pro Brew Supply
P.O. Box 737634
Dallas, TX 75373-7634

Pro Engineering and Manufacturing
11175 W. Heather Avenue
Milwaukee, WI 53224-2200

Quest Graphics
2423 Northline Industrial Dr.
Maryland Heights, MO 63043-3308

Rhon Malz
Sondheimer Str. 2
Mellrichstadt 97638
Germany

STL Pest Control
500 Rudder Road
Fenton, MO 63026-2011

Safe Guard
P.O. BOX 410649
Saint Louis, MO 63141-0649

Sauce Magazine
PO Box 430033
Saint Louis, MO 63143-0133

Signcrafters
3131 Washington Ave
Saint Louis, MO 63103-1216

Small Business Administration
Little Rock Commercial Loan Servicing
2120 Riverfront Drive, Suite 100
Little Rock, AR 72202-1794

St Louis Health Dept
Food & Beverage Control Room 4051
P.O. Box 14702
Saint Louis, MO 63178-4702

St Louis Post Dispatch
PO Box 4690
Carol Stream, IL 60197-4690

St Louis Zoo
Government Drive
Saint Louis, MO 63110

St. Louis Development Corporation
1520 Market Street
Suite 2000
Saint Louis, MO 63103-2630

Stealth Creative
1617 Locust Street
Saint Louis, MO 63103-1801

Steven D Moonblatt
815 S 7th St. Unit #6
Philadelphia, PA 19147-2964

Struggleville LLC
1434 Sullivan Avenue
Saint Louis, MO 63107-3823

Sub Zero Logistics & Cold Storage
3820 Ultra Comp Drive
Earth City, MO 63045-1422

SumnerOne
6717 Waldemar Ave
Saint Louis, MO 63139-3533

The St. Louis Local Development Company
1520 Market Street, Suite 2000
St. Louis, MO 63103-2630

The St. Louis Zoo
c/o Brian W. Hockett, Esq.
Thompson Coburn LLP
One US Bank Plaza, Suite 2700
St. Louis, MO 63101-1693

Thomas R. Fawkes
Tucker Ellis LLP
233 S. Wacker Dr.
Suite 6950
Chicago, IL 60606-6395

Tocco Food Company
P.O. Box 1155
Arnold, MO 63010-7155

Triad Products
1801 W B St
Hastings, NE 68901-5602

Tyler Stallings
4465 Manchester Ave.
Saint Louis, MO 63110-2113

U.S. Small Business Administration
10675 Bedford Ave., Suite 100
Omaha, NE 68134-3605

US Foods, Inc.
8543 Page Ave.
Saint Louis, MO 63114-6008

Wiese
PO Box 60106
Saint Louis, MO 63160-0106

Wildpack Beverage
1301 Edison Hwy, Suite A-2
Baltimore, MD 21213-4018

Winker Properties Vessel Architecture
600 Emerson Rd.
#401
Saint Louis, MO 63141-6740

Spencer P. Desai
The Desai Law Firm, LLC
13321 North Outer Forty Road
Suite 300
St. Louis, MO 63017-5945

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Metropolitan St. Louis Sewer District
PO Box 437
Saint Louis, MO 63166

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Keg Holdings, LLC

(u)Official Committee of Unsecured Creditors

(u)United States of America

(u)Winker Properties LLC

(u)Freigeist
Diepenlinchener Str. 20 D-52224 Stolberg

(u)NMB Naheland Malz
Brueckes 71
Bad Kreuznach Rhineland-Palatinate 55545

(u)SidMac Engineering & MFG Inc.
602-30731 Simpson Road
Abbotsford British Columbia V2T 6Y7
Canada

End of Label Matrix
Mailable recipients 121
Bypassed recipients 7
Total 128